

In the Matter of WESTERN PIPE AND STEEL COMPANY OF CALIFORNIA
and STEEL WORKERS ORGANIZING COMMITTEE

In the Matter of WESTERN PIPE AND STEEL COMPANY OF CALIFORNIA
and INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON SHIP
BUILDERS, WELDERS AND HELPERS OF AMERICA, A. F. OF L.

In the Matter of WESTERN PIPE AND STEEL COMPANY OF CALIFORNIA
and INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE 311, A. F.
OF L.

Cases Nos. R-1247, R-1248, and R-1249, respectively

SUPPLEMENTAL DECISION
CERTIFICATION OF REPRESENTATIVES
AND
ORDER

October 5, 1939

On August 11, 1939, the National Labor Relations Board, herein called the Board, issued a Decision and Direction of Elections¹ in the above-entitled proceeding.

In its Decision, the Board provided that elections by secret ballot be conducted within twenty (20) days from the date of the Direction under the supervision of the Regional Director for the Twenty-first Region, among those employees of the Western Pipe and Steel Company of California, Vernon, California, plant, who fall within the groups indicated below who were on the Company's last regular pay roll immediately preceding the Direction of Elections, including employees who did not work during such pay-roll period because they were ill or on vacation, and employees who were then or had since been temporarily laid off, but excluding those employees who had since quit or been discharged for cause:

(a) All casing makers, tackers, trimmer operators, dip-kettle operators, welders, flange helpers, sledgemen, press operators, layers-out, auto operators, fitters, burners, chippers, rivet heaters, crane chasers, planer operators, flux mixers, drill-press operators other than in the machine shop, roll operators, shear operators, angle-roll opera-

¹ 14 N. L. R. B. 473.

15 N. L. R. B., No. 100.

tors, riveters, punch operators, buckers, bolted-tank builders, culvert makers, culvert riveters, bull operators, galvanized-tank builders, galvanized-tank makers, test-rack operators, and their helpers, excluding supervisors having power to hire or discharge, to determine whether they desire to be represented for purposes of collective bargaining by International Brotherhood of Boilermakers, Iron Ship Builders, Welders and Helpers of America, or by Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, or by neither;

(b) All machinists, apprentice machinists, machinists' helpers, drill-press operators in the machine shop, garage mechanics, garage helpers, oilers, toolroom men, mechanics, and working foremen in the machine shop not having authority to hire or discharge, to determine whether they desire to be represented for purposes of collective bargaining by International Association of Machinists Lodge 311, or by Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, or by neither;

(c) All electricians, working electrical foremen not having authority to hire or discharge, cranemen, and compressor men, to determine whether they desire to be represented for purposes of collective bargaining by International Brotherhood of Electrical Workers, No. 83, or by Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, or by neither;

(d) All remaining production and maintenance employees, exclusive of supervisory, confidential, and clerical employees, to determine whether or not they desire to be represented for purposes of collective bargaining by Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee.

Pursuant to the Direction of Elections, elections by secret ballot were conducted at Vernon, California, on August 31, 1939, under the direction and supervision of the Regional Director for the Twenty-first Region (Los Angeles, California). On September 12, 1939, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, issued and duly served upon the parties an Election Report on the ballot. In his report, the Regional Director certified that the election was fairly and impartially conducted and that the ballots cast were duly and fairly counted under his supervision, and that there had been filed with him by the tellers statements to that effect. No

objections or exceptions to the Election Report have been filed by any of the parties.

As to the balloting and its results, the Regional Director reported as follows:

(a) *Group claimed by the Boilermakers to constitute an appropriate unit*

1. Total number eligible.....	170
2. Total number of ballots counted.....	148
3. Total number of votes for the Boilermakers.....	40
4. Total number of votes for the Amalgamated through the S. W. O. C.....	91
5. Total number of votes for neither.....	16
6. Total number of blank ballots.....	0
7. Total number of void ballots.....	1
8. Total number of challenged votes.....	0

(b) *Group claimed by the I. A. M. to constitute an appropriate unit*

1. Total number eligible.....	23
2. Total number of ballots counted.....	21
3. Total number of votes for the I. A. M.....	3
4. Total number of votes for the Amalgamated through the S. W. O. C.....	4
5. Total number of votes for neither.....	14
6. Total number of blank ballots.....	0
7. Total number of void ballots.....	0
8. Total number of challenged votes.....	1

(c) *Group claimed by the I. B. E. W. to constitute an appropriate unit*

1. Total number eligible.....	13
2. Total number of ballots counted.....	12
3. Total number of votes for the I. B. E. W.....	0
4. Total number of votes for the Amalgamated through the S. W. O. C.....	10
5. Total number of votes for neither.....	1
6. Total number of blank ballots.....	0
7. Total number of void ballots.....	1
8. Total number of challenged votes.....	0

(d) *All remaining employees claimed by the Amalgamated to be within the appropriate unit*

1. Total number eligible.....	13
2. Total number of ballots counted.....	12
3. Total number of votes for the Amalgamated through the S. W. O. C.....	8
4. Total number of votes against the Amalgamated through the S. W. O. C.....	2
5. Total number of blank ballots.....	0
6. Total number of void ballots.....	0
7. Total number of challenged votes.....	2

Upon the basis of the entire record, the Board makes the following:

SUPPLEMENTAL FINDINGS OF FACT

In its Decision the Board made no final determination as to the appropriate unit or units for the purposes of collective bargaining pending the elections to be held among the four groups of employees described above. The Board stated that in the event that a majority of the employees voting in one of the groups should choose the Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, herein called the Amalgamated, all employees within that group will be combined with employees within any other groups which similarly choose the Amalgamated, to constitute a single unit for purposes of collective bargaining, and that where a ballot results in a majority for one of the unions other than the Amalgamated, employees within the classifications covered by such ballot will constitute a separate and distinct unit for the purposes of collective bargaining. The Election Report shows that a majority of employees in each of the groups, except that claimed by the International Association of Machinists, Lodge 311, to constitute an appropriate unit, have voted for the Amalgamated. Employees in those three groups will therefore constitute a single appropriate unit. Since a majority of employees within the group claimed by the International Association of Machinists, Lodge 311, to constitute an appropriate unit have voted against representation by either union on the ballot they will not be included in the unit. The I. A. M.'s petition, which related to this group of employees, will be dismissed.

We find that all production and maintenance employees of Western Pipe and Steel Company of California, at its Vernon, California, plant, exclusive of supervisory, confidential, and clerical employees, machinists, apprentice machinists, machinists' helpers, drill-press operators in the machine shop, garage mechanics, garage helpers, oilers, toolroom men, mechanics, and working foremen in the machine shop, constitute a unit appropriate for the purposes of collective bargaining and that said unit will insure to employees of the Company the full benefit of their right to self-organization and collective bargaining and otherwise effectuate the policies of the Act.

We find that Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, has been designated and selected by a ma-

jority of the employees in the above-described unit as their representative for the purposes of collective bargaining. It is, therefore, the exclusive representative of all employees in such unit for the purposes of collective bargaining, and we will so certify.

Upon the basis of the above findings of fact and upon the entire record in the proceeding, the Board makes the following:

SUPPLEMENTAL CONCLUSIONS OF LAW

1. All production and maintenance employees of Western Pipe and Steel Company of California, at its Vernon, California, plant, exclusive of supervisory, confidential, and clerical employees, machinists, apprentice machinists, machinists' helpers, drill-press operators in the machine shop, garage mechanics, garage helpers, oilers, toolroom men, mechanics, and working foremen in the machine shop, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

2. Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, is the exclusive representative of all the employees in such unit for the purposes of collective bargaining, within the meaning of Section 9 (a) of the National Labor Relations Act.

CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 2,

IT IS HEREBY CERTIFIED that Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organizing Committee, has been designated and selected by a majority of all production and maintenance employees of Western Pipe and Steel Company of California, at its Vernon, California, plant, exclusive of supervisory, confidential, and clerical employees, machinists, apprentice machinists, machinists' helpers, drill-press operators in the machine shop, garage mechanics, garage helpers, oilers, toolroom men, mechanics, and working foremen in the machine shop, as their representative for the purposes of collective bargaining and that, pursuant to the provisions of Section 9 (a) of the Act, Amalgamated Association of Iron, Steel and Tin Workers of North America, Lodge No. 2058, through Steel Workers Organiz-

ing Committee, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

ORDER

By virtue of Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 2,

IT IS HEREBY ORDERED that the petition for investigation and certification of representatives of employees of Western Pipe and Steel Company of California, at its Vernon, California, plant, filed by International Association of Machinists, Lodge 311, affiliated with the American Federation of Labor, be, and it hereby is, dismissed.